



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/07/2021

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PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD)No.8730 of 2021

M.Surya @ Suryavathanan

... Petitioner/Accused No.4

Vs

State Rep.by
The Inspector of Police,
Mattuthavani Police Station,
Madurai City.
Crime No.634/2021.

... Respondent/Complainant

For Petitioner : Mr.M.Ganeshkamu,Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime no.634 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 294(b), 323 and 506(ii) IPC and Section 4 of the Women Harassment Act in Crime No.634 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that on 26.06.2021, at about 05.00 pm., when the defacto complainant came home from Othakadai, 10 persons were standing in front of his house and started scolding him in filthy language and slapped him on his chin and torn his shirt. On hearing the same, the wife of the defacto complainant came there and obstructed them and hence, the accused attacked his wife also and pushed her down. Hence, the complaint.



3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case.

4.The learned Government Advocate(Crl.side) appearing for the respondent police opposed this petition on the ground that investigation is pending. However, he conceded that there is no external injury to the defacto complainant.

5.Considering the nature of the offence and the fact that there is no external injury to the defacto complainant and also the fact that except Section 506(ii)IPC, other offences are bailable in nature, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned **(*)Judicial Magistrate No.VI, Madurai** on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a]the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b]the petitioner shall report before respondent police daily at 10.30 am., until further orders.

[c]the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d]the petitioner shall not abscond either during investigation or trial.

[e]On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].



[f]If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

05/07/2021

(*)Crl MP(MD)No. 8376 of 2021 is allowed on condition that the petitioner shall pay a sum of Rs.5,000/-(Rupees Five thousand only) to the credit of Government of Tamil Nadu, CMPRF in IOB, Secretariat Branch, Chennai-9 (Account No. 11720 1000000070,IFSC Code: IOBA0001172)and time is extended by ten days from the date of receipt of copy of this order.

(*) Amended as per order of this Hon'ble Court dated 27/10/2021 in Crl.M.P.(MD) No.8376 of 2021 in Crl.O.P.(MD)No.8730 of 2021 by BPJ.

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

(*)To be substituted with the order dated 05/07/2021 already despatched.

1. THE JUDICIAL MAGISTRATE NO.III, MADURAI.
2. THE JUDICIAL MAGISTRATE NO.VI, MADURAI.
3. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
4. THE INSPECTOR OF POLICE,
MATTUTHAVANI POLICE STATION, MADURAI CITY.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



COPY TO
THE OFFICER INCHARGE,
THE CHIEF MINISTER PUBLIC RELIEF FUND,
GOVERNMENT OF TAMIL NADU,
SECRETARIAT, CHENNAI -9.

WEB COPY

ORDER
IN
CRL OP(MD) No.8730 of 2021
Date :05/07/2021

GNS
MS/RSK/SAR-3/07.07.2021/3P.5C

vsd
PKP/JC/SAR-2/15.12.2021/3P/7C